

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	:	CHAPTER 11
	:	
DN REAL ESTATE SERVICES &	:	
ACQUISITIONS, LLC	:	
	:	CASE NO. 17-55587-PMB
Debtor	:	

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**NOTICE OF HEARING**

**PLEASE TAKE NOTICE** that DN REAL ESTATE SERVICES & ACQUISITIONS, LLC filed a SECOND APPLICATION FOR ATTORNEYS' FEES and related papers with the Court seeking an Order on June 26, 2018.

**PLEASE TAKE FURTHER NOTICE** that the Court will hold a hearing on the Motion for Approval of Post-Closing Real Estate Brokers Commission in Courtroom 1202, United States Courthouse, 75 Ted Turner Drive, S.W., Atlanta, Georgia 30303 at **2:00 P.M. on July 30, 2018.**

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one). If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your view, then you and/or your attorney must attend the hearing. You may also file a written response to the pleadings with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk at least two business days before the hearing. The address of the Clerk's Office is: Clerk, U.S. Bankruptcy Court, Suite 1202, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

Dated: June 26, 2018

/s/\_\_\_\_\_  
Howard P. Slomka  
Georgia Bar #652875  
Attorney for the Debtor  
Slipakoff & Slomka, PC  
Overlook III, Suite 1700  
2859 Paces Ferry Rd, SE  
Atlanta, GA 30339

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IN RE:	)	
	)	CHAPTER 11
DN REAL ESTATE SERVICES &	)	
ACQUISITIONS, LLC	)	
Debtor,	)	CASE NO.: 17-55587-PMB
	)	

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**SECOND APPLICATION FOR  
CHAPTER 11 LEGAL FEES DUE TO DEBTOR'S COUNSEL  
FROM NOVEMBER 15, 2017 THROUGH JUNE 27, 2018**

*(Total payment sought: \$16,494.28)*

COMES NOW Slipakoff and Slomka P.C, successor by merger of The Slomka Law Firm P.C (the "Law Firm"), Attorneys for Debtor, and files this Post Filing Application for Chapter 11 Legal Fees Due to Debtor's Counsel (this "Application") and in support thereof respectfully shows as follows:

1. The Law Firm has represented DN REALESTATE SERVICES & ACQUISITIONS, LLC ("Debtor") since the date of filing the Petition, March 28, 2017.
2. Law Firm has made one prior application for fees in this case. This Court granted that in an order dated December 21, 2017 (Doc. No. 90). All fees from the First Application are now paid in full, and the pre-petition retainer has been fully exhausted. This Application requests fees from November 15, 2018 through the date of this Application
3. Law Firm makes this Application for the allowance of compensation for professional services rendered to Debtor from November 15, 2017 (the date following the First Fee Application) through and including June 27, 2018 (the "Period") pursuant to 11 USC § 330

and 331. All services for which compensation is requested were performed on behalf of the Debtor and not of any other party, creditor, persons or party in interest.

4. Law Firm has had numerous conferences and meetings with Debtor, creditors and accountants of Debtor, buyers and potential buyers of Debtor's properties, attorneys for creditors and with the US Trustee's office with reference to this case, and has filed appropriate pleadings and attended hearings and performed other services necessary to the proper administration of the estate.

5. The time expended by Law Firm and the work performed is duly itemized and set forth in the "Accounting" attached here to as *Exhibit A* and incorporated herein.

6. The out-of-pocket expenses incurred by the Law Firm during the Period are set forth below. The copy costs are charged at the rate of \$0.10 per page. Mailing, copying, paper and service costs are charged at the blended rate of \$1.53 per small envelope (used in this case) or \$2.25 for large envelopes, or \$1.00 over actual postage for oversize, overnight, or special delivery items. The Schedules require up to 30 creditor envelopes per mailing. During the Period, Law Firm has served the at least the following motions or orders on interested parties:

DATE	DOC	ITEM	NUMBER OF ENVELOPES
11/16/17	78	Suppl Motion to Set Bar Date	39
11/18/17	79	Status Report and COS	39
12/21/17	91	Order granting First Fee Application	39
6/8/18	123	Motion to Reconsider Conversion	39
6/26/18		Fee Applications for Counsel and Accountant	39

**Total Envelopes served: 195 @ 1.53 each = \$298 service costs**

7. Westlaw access, legal research, PACER, and printing charges from GA Superior Court Clerks Cooperative and from Fulton County Circuit Court for real estate records are estimated by the Law Firm to be **\$100.**

8. No agreement or understanding exists between Law Firm and any other person for the sharing of compensation received or to be received for services rendered in connection with this case.

9. Law Firm shows that it has expended a total of 45 hours in law firm time for the client, with total fees due in the amount of \$16,096.28, plus costs due in the amount of \$398, and is therefore due a total of \$16, 494.28 pursuant to the above-referenced and prior disclosed compensation agreement. This figure does NOT include any fees or costs from before the Period, which were paid pursuant to the First Application.

10. Law Firm respectfully requests this Court to allow such sums as Chapter 11 compensation, and to authorize the estate to pay the Law Firm \$ 16,494.28

11. Law Firm holds no retainer or funds in trust in this matter.

12. Law Firm makes the following representations with respect to the 12-part Johnson test:

(a) Time and Labor Required. Law Firm bills its employees at the following rates:

<u>Individual</u>	<u>Hourly Rate</u>
Howard P. Slomka, Esq.	\$350.00
Shawn J. Eisenberg, Esq.	\$300.00
Fernando Bustelo (Paralegal)	\$185.00

(b) Novelty and Difficulty of Questions Presented: Debtor was forced to file this bankruptcy due to unpaid promissory notes which were secured by LLC real property assets. The Chapter 11 case involved a rushed filing due to Debtor's unpaid promissory notes and threatened foreclosures. Because Debtor had no

prior experience with bankruptcy, the case involved significant client contact and explanation, and planning.

- (c) Skill Requisite to Perform Legal Services Properly: Law Firm respectfully represents to the Court that it possesses the knowledge and skill to perform the legal services required by Debtor, and has represented both Debtor and creditors in similar cases before this Court and others.
- (d) The Preclusion of Other Employment Due to Acceptance of This Client: Law Firm respectfully represents that the time dedicated to serving and visiting this client could have been dedicated to serving other clients of the firm, but for the demands of this case. This is all the more so due to the fact that Firm founder Howard P. Slomka performed the bulk of the legal services personally.
- (e) Customary Fee for the Type of Services Rendered: Law Firm shows that the fees shown in the Accounting \$350.00 per hour for attorneys and \$185.00 for paralegals represent fees customary for representation of clients in Chapter 11 bankruptcy cases. At the time of filing this Fee Application, the Law Firm's rates are now \$350 for Slomka and \$185 for Bustelo.
- (f) Whether Fee is Fixed or Contingent: Law Firm's fees are subject to Court review and approval under 11 USC 330, and to Debtor's ability to pay. As such, collection is not definite, and the fee is not entirely fixed or contingent, but shares characteristics of each.
- (g) Time Limitations Imposed By Client or Other Circumstances: Law Firm shows that many of its tasks were performed under strict time limits and in preparation

for hearings with set times. The filing of the original case was demanding, and involved considerable first day motions and hearings.

- (h) Amount Involved and Results Obtained: Law Firm filed a Chapter 11 case to save the properties owned by Debtor and reorganize their operations. So far, Debtor has sold two properties and is under contract to sell a third in its reorganization efforts.
- (i) Experience and Reputation of Attorneys: Law Firm respectfully represents that it has significant experience and respect of peers and others in the legal community. Howard P. Slomka has practiced in Atlanta since 1996, is licensed in two states, and presently serves as partner of the law firm Slipakoff & Slomka P.C. Mr. Slomka also served as General Counsel of a Hotel Holding Company that has navigated through a successful Chapter 11 reorganization under his leadership. Law Firm represents both debtors and creditors in cases filed under Chapter 7, 11, and 13.
- (j) Undesirability of the Case: This factor is not usually applicable to Chapter 11 cases, other than to point out that many firms will not file a Chapter 11 case with a small retainer as Law Firm did for Debtor in this matter.
- (k) Nature and Length of Professional Relationship With Client: Law Firm has represented Debtor since filing this case.
- (l) Awards in Similar Cases: The fees sought in this Application are significantly lower than would be expected in similar cases. This is due to the fact that Law Firm has only charged for the time spent by Howard P. Slomka, and has not charged for many phone calls and routine follow up matters as an

accommodation to Debtor. As a professional practice, Mr. Slomka does not bill his clients for cell phone calls taken during a commute, and this is when he speaks with Debtor most regularly.

WHEREFORE, Law Firm prays that it be allowed Chapter 11 compensation as follows:

- (1) \$ 16,096.28 , for legal fees incurred during the Period;
- (2) \$398 , for costs incurred on behalf of Debtor;

Respectfully Submitted,  
SLIPAKOFF AND SLOMKA, PC  
Attorney for Debtor

By: /s/ Howard P. Slomka, Esquire  
Georgia Bar #652875  
2859 Paces Ferry Rd. SE.  
Suite 1700  
Atlanta, Georgia 30339  
Attorney for Debtor

**Slipakoff & Slomka, LLP Bankruptcy**  
 1069 Spring St NW #200  
 Atlanta, GA 30309  
 (678) 732-0001  
 admin@myatlallaw.com  
 www.myatlallaw.com

EXHIBIT A



MYATLAW  
 SLIPAKOFF AND SLOMKA

# INVOICE

Case 17-55587

**INVOICE #** 2602  
**DATE** 11/15/2017  
**DUE DATE** 06/25/2018

**BILL TO**

Courtney Newmans  
 DN Real Estate Services &  
 Acquisitions LLC (CII)  
 309 Glenlea Lane  
 Greenville, SC 29617

DUE: \$16,096.28

Please detach top portion and return with your payment.

**RETAINER AMOUNT**

**TRUST BALANCE**  
 0

DATE	ACTIVITY	QTY	RATE	AMOUNT
	Charges			
	Date Amount applied			
	Subtotal: Charges			
	Billable Time			
11/15/2017	FIRST INVOICE POST FEE APPLICATION...	1:30	350.00	525.00
	Time going over docket and prepping and filing new COS. TC client re next sales. - Howie Slomka			
11/15/2017	11/08/2017 paid by check DN Real Estate Motion to Sell Real Estate (761 Antone) filing fees and service costs - Howie Slomka	1:00	200.00	200.00
11/16/2017	review docket; file status report re COS and filings. - Howie Slomka	0:20	350.00	116.67
11/16/2017	Prep and file Suppl motion to set bar date; upload order - Howie Slomka	0:50	350.00	291.67
11/28/2017	prep for and attend hrg on motion to sell; tc client re antone sale. - Howie Slomka	1:00	350.00	350.00
12/04/2017	prep for and attend hearing inBK court; negotiate with lendinghome; TC client - Howie Slomka	2:00	350.00	700.00
12/05/2017	TC Courtney re sale of 1010 McDaniel email to closers; prep closing and amend h4 schedules. - Howie Slomka	1:10	350.00	408.33
12/05/2017	withdraw objection to claim; negotiate with HS counsel - Howie Slomka	0:20	350.00	116.67
12/18/2017	Attend fee app hearing; review matters; tc client re status - Howie Slomka	1:30	350.00	525.00
12/22/2017	Prepare and file application for fee application, and order, as well as COS Prepare October/November MORs. Correspondence with closing atty. on closing of Briarlake. - Bustelo Fernando	1:45	185.00	323.75



DATE	ACTIVITY	QTY	RATE	AMOUNT
01/08/2018	TC client re dismissal and future plans - Fernando Bustelo	0:20	185.00	61.67
01/19/2018	review, edit and file Dec Operating Report - Howie Slomka	0:30	350.00	175.00
02/07/2018	TC client to discuss dismissal or sale of final asset - Howie Slomka	0:20	350.00	116.67
02/20/2018	TC client re future of case and sales of props - Howie Slomka	0:05	350.00	29.17
02/20/2018	review, revise and file revised operating reports; TC client and Fernando re same - Howie Slomka	1:20	350.00	466.67
02/20/2018	review, prep and file Jan operating report - Howie Slomka	0:15	350.00	87.50
02/21/2018	TC and emails re sale of Antone Street. UST follow up re MOR amendments. - Howie Slomka	2:20	350.00	816.67
02/27/2018	emails and calls to try to arrange sale of ANtone Street and avoid foreclosure. TC to brokers, buyer and client, and lender counsel. Prep and file motion to sell real estate - Howie Slomka	3:00	350.00	1,050.00
02/28/2018	TC and emails re closing of Antone and short sale. - Howie Slomka	1:00	350.00	350.00
02/28/2018	reply to Lindsay Kolba email re docs and October MOR - Howie Slomka	0:15	350.00	87.50
03/06/2018	Try negotiating to stop foreclosure; lender counsel and broker and buyer all require emails and tc. unsuccessful in end - property sold at courthouse. - Howie Slomka	1:30	350.00	525.00
03/23/2018	prep for and attend hearing in BK court; discuss case closure with UST. - Howie Slomka	1:20	350.00	466.67
04/25/2018	Review home closings and MOR for trustee's motion - Howie Slomka	1:30	350.00	525.00
04/26/2018	review claims and plan status; prep for May 31 deadline to file disclosure statement. - Howie Slomka	1:15	350.00	437.50
04/26/2018	Review docket and pending motion; draft and file Status report to explain sales of all assets and resulting payments to Debtor. review revised MOR and statements. review all closing HUDs - Howie Slomka	2:30	350.00	875.00
04/27/2018	Draft spreadsheets for each of the four real estate closing of Debtor. Segregate payments made to secured creditors, taxes, and post-closing expenses. Email spreadsheets, and operating reports spreadsheets to Lindsay Kolba. - Fernando Bustelo	4:45	185.00	878.75
04/30/2018	prepare and file status report re RE closings; discuss and settle TMTD; prep plan and new fee application - Howie Slomka	2:30	350.00	875.00
05/01/2018	Phone conference with Lindsay Kolba to review amended operating reports and discuss motion to dismiss and liquidating plan with HPS. - Fernando Bustelo	0:15	185.00	46.25
05/02/2018	Draft anew the Operating Reports for the months of September, November and December 2017 to detail on MOR-2 the disbursements from all closings as well as post-closing expenditures. Reconcile MOR2 with MOR progression spreadsheet. Update evolution of inventory. - Fernando Bustelo	3:15	185.00	601.25
05/30/2018	Prepare tables of creditors and research mortgagees paid off out of property sales for disclosure statement and liquidating plans. Transmit to HPS. - Fernando Bustelo	0:45	185.00	138.75
05/30/2018	prepare plan and disclosure statement and finalize MOR review. - Fernando Bustelo	5:00	185.00	925.00
05/30/2018	prep revise and finalize plan and disclosure statement for filing; review claims; prepare second fee application. - Howie Slomka	4:00	350.00	1,400.00

DATE	ACTIVITY	QTY	RATE	AMOUNT
06/07/2018	prep and draft motion to reconsider conversion to C7 - Howie Slomka	1:20	350.00	466.67
06/15/2018	Finalize fee app; review docket and motion to reconsider dates - Howie Slomka	1:00	350.00	350.00
06/21/2018	review docket; prep fee app; tc C7 trustee re pending motion to reconsider; tc client - Howie Slomka	1:15	350.00	437.50
	Subtotal:			15,746.28

To pay online:

- (1) Click "View Invoice" link and click "Pay Now" or  
(2) Visit [www.myatilaw.cc/payment](http://www.myatilaw.cc/payment).

PAYMENT  
BALANCE DUE

Payments accepted by ACH, credit or debt card or check payable to "Slipakoff & Slomka, LLP." All past due amounts accrue interest at 1.5% per month or the maximum amount allowed by law.

6/26/18 Print, review, file fee application

1 @ 350 = 350

\$ 16,096.28

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	:	CHAPTER 11
	:	
RITA ANN ROSE	:	
	:	CASE NO. 15-71563-MGD
	:	
Debtor	:	

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**CERTIFICATE OF SERVICE**

This is to certify that I have this day served the foregoing SECOND APPLICATION FOR CHAPTER 11 LEGAL FEES DUE TO DEBTOR'S COUNSEL THROUGH JUNE 27, 2018 upon the following by email and the ECF system.

U.S. Trustee

SEE ATTACHED LIST OF CREDITORS

Dated this 27<sup>TH</sup> day of June, 2018

By: /s/ Howard P. Slomka, Esquire  
Georgia Bar #652875  
2859 Paces Ferry Rd. SE.  
Suite 1700  
Atlanta, Georgia 30339  
Attorney for Debtor

Label Matrix for local shipping  
113K-1  
Case 17-55587-pmb  
Northern District of Georgia  
Atlanta  
Tue Nov 7 11:24:00 EST 2017  
BRT  
PO Box 580940  
Charlotte, NC 28258-0940

American Express  
PO Box 1272  
Newark, NJ 07101-1270

American Express Bank, PAB  
c/o Bechtel and Lee LLP  
PO Box 3961  
Malvern, PA 19355-0761

(p)BS AND T  
PO BOX 1817  
WILSON NC 27894-1817

(p)BANK OF AMERICA  
PO BOX 881231  
EL PASO TX 79986-2231

Beuther D. Brown  
Brown Law, LLC  
131 Bellock Avenue  
Norwell, MA 01905-4420

Corinny Newsome  
309 Glendon Lane  
Greenville, SC 29617-1229

DE Real Estate Services & Acquisitions, LLC  
2824 Howell Hill Rd  
Suite B - 100  
Atlanta, GA 30318-1732

DeKalb County Tax Commissioner  
4380 Memorial Drive  
Suite 104  
Decatur, GA 30033-1233

FCI Lender Services, Inc.  
PO Box 27370  
Anshin, IL 62809-9112

(p)FIFTH THIRD BANK  
NEW JERSEY BANKRUPTCY DEPT  
1151 EAST BAPTIST ST  
CAMDEN NJ 08104-4233

Fifth Third Bank  
PO Box 9613  
Addicks, Texas 75001-9613

Frontier Airline  
PO Box 23064  
Columbus, GA 31902-3064

GroundFloor Finance Inc.  
1504, AVE  
75 5th Street NW #2170  
Atlanta, GA 30308-1019

GA Investment Group, LLC  
PO Box 1251  
Alpharetta, GA 30009-1251

HI Solutions Group, Inc.  
PO Box 1251  
Alpharetta, GA 30009-1251

INTERNAL REVENUE SERVICE  
P O BOX 7346  
2870 MARKET STREET  
PHILADELPHIA, PA 19104-5042

Internal Revenue Service  
P. O. Box 7346  
Philadelphia, PA 19104-7346

Jeff Stoney  
4420 Sylvia Drive  
Kennesaw, GA 30144

Jeffrey L. Stoney  
c/o Beuther D. Brown  
Brown Law, LLC  
Norwell, GA 30075

Sablage  
PO Box 77073  
Atlanta, GA 30357-1073

Lindsay P. E. Belka  
Office of the U.S. Trustee  
Suite 302  
75 Ted Turner Drive, S.W.  
Atlanta, GA 30303-1338

Labalardo PC  
PO Box 798491  
Saint Louis, MO 63179-0401

LendingOne Funding Corp.  
FCI Lender Services, Inc.  
P.O. Box 27370  
Anshin Hills, IL 62809-9112

Jack Besser  
Vinyard Realty  
75 5th Street, S.W.  
Atlanta, GA 30308-1019

Secretary of the Treasury  
1515 & Pennsylvania Avenue, NW  
Washington, DC 20500

Howard F. Shuck  
Eliparkoff & Shuck, PC  
Overlook III - Suite 1700  
2859 Jones Ferry Rd, SE  
Atlanta, GA 30339-4213

Smith & Klein  
4501 Old Spotsylvania Road, Suite 15  
Taylors, SC 29687-4103

Jeff Stoney  
4420 Sylvia Drive  
Marietta, GA 30064-1531

Bank Law Group, LLC  
c/o Justin M. Parlak  
675 Mansell Road  
Suite 135  
Roswell, GA 30076-4470

Thomas Egan  
5401 Hedge Brook Cove  
Acworth, GA 30101-7141

Matthew F. Gotten  
Weissman, PC  
One Alliance Center, 4th Floor  
3506 Lenox Road  
Atlanta, GA 30326-4228

U. S. Securities and Exchange Commission  
Office of Reorganization  
Suite 900  
450 East Paces Ferry Road, NE  
Atlanta, GA 30326-1382

United States Trustee  
342 Richard H Russell Bldg  
75 Ted Turner Drive, SW  
Atlanta, GA 30333-3313

C. Howard Wardrop  
Weissman PC  
One Alliance Center, 4th Floor  
3506 Lenox Road  
Atlanta, GA 30326-4228

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Motion of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bankr.P. 2002 (g) (4).

BBK Bankruptcy  
W/C 140-50-E1-E1  
P.O. Box 1847  
Wilson, NC 27154-1847

Bank of America  
PO Box 982235  
El Paso, TX 79998

Fifth Third Bank  
38 Fountain Square Plaza  
Cincinnati, OH 45263

The following recipients may be/ have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) Brendan Hill

(d) Heather D. Brown  
Brown Law, LLC  
138 Bolloch Avenue  
Roswell, GA 30076-4428

(u) Keller Williams Realty Buckhead

(u) Leading HomeFunding Corp.,

(u) LeadingHome Funding Corp.,

(u) Lindsey McCallen  
c/o Taylor Atkins, Broker  
tayl@cpulbna@bursayalston.com

End of Label Matrix  
Mailable recipients 35  
Bypassed recipients 3  
Total 41